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Serial No.: 10/567,718

Docket No.: PU030253

Examiner: Alfred J. Wujciak

Transmittal Form (2 Copies - 2 Pages)
Fee Transmittal Form (2 Copies - 2 Pages)

Appeal Brief (10 Pages)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE tlection of Information unless it displays a valid OMB control number. Inder the Paperwork Reduction Act of 1995, no persons are required to respond to a Application Number 10/567,718 Filing Date TRANSMITTAL February 6, 2006 First Named Inventor FORM Eric Richard May et al. Art Unit Examiner Name Alfred J. Wujciak (to be used for all correspondence after initial filing) Attorney Docket Number PU030253 Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance Communication to TC **|** | Fee Transmittal Form Drawing(\$) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Petition Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify Terminal Disclaimer Extension of Time Request below): Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application
Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Thomson Licensing Signature Printed name Patricia A. Verlangleri Date Reg. No. 42,201 February 2, 2009 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Va. Date Patricia A. Verlangleri February 2, 2009 Typed or printed name

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			Filing Date			February 8, 2006				
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			Examiner Name			Alfred J. Wujclak				
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Serial No. 10/484,794

PU030253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventors

Eric Richard May et al.

Serial No.

10/567,718

Filed

February 8, 2006

Title

VISUAL DISPLAY WALL MOUNTING APPARATUS

Examiner

Alfred J. Wujciak

Art Unit

3632

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APPELLANTS' BRIEF UNDER C. F. R. § 1.192

On December 1, 2008, Appellants' filed a timely Notice of Appeal (that was received in the United States Patent and Trademark Office on December 1, 2009) from the action of the Examiner finally rejecting pending claims 1-14. The Appellants' herein file this Brief in accordance with 35 C. F. R. § 1,192.

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Serial No. 10/484,794

PU030253

1. IDENTIFICATION OF THE REAL PARTY IN INTEREST

The real party in interest for the above-identified application is Thomson Licensing, which is the assignee of record for this application.

2. IDENTIFICATION OF RELATED APPEALS OR INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences that will be directly affected by, or will have a bearing on the decision of this appeal.

3. STATUS OF THE CLAIMS

Claims 1-14 are rejected and the rejection of claims 1-14 is appealed.

The above-identified application was filed on February 8, 2006, which claims priority under 35 U. S. C. § 371 to International Application No. PCT/US04/25299 filed August 5, 2004 which claims benefit of US Provisional Patent Application No. 60/498,264 filed August 26, 2003.

A first Office Action was mailed September 28, 2007 (Paper No. 1), in which claims 1-14 were rejected.

In Applicants' response to the first Office Action, dated February 27, 2008, claims 1 and 8 were amended.

The Examiner in a second Office Action, mailed June 30, 2008 (Paper No. 20080625), finally rejected claims 1-14.

The status of the claims is as follows:

Claims 1 and 8 are once amended.

Claims 1-14 all stand finally rejected. The rejection of claims 1-14 is appealed.

Serial No. 10/484,794

PU030253

4. STATUS OF THE AMENDMENTS

No amendments were made after final rejection. All amendments were entered.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a wall mounting apparatus for a visual display. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.

Independent claim 8 is directed to a display system including a wall mounting apparatus. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.

Serial No. 10/484,794

PU030253

6. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

1. The Examiner has rejected claims 1-14 as being anticipated under 35 U. S. C. § 102(b) over Walmsely (U. S. Patent 2,299,443).

7. ARGUMENT

1. Rejection of claims 1-14 under 35 U. S. C. § 102(b) over Walmsely (U. S. Patent 2,299,443).

Claims 1-7

Walmsley describes a frame support. See Walmsley at column 1, lines 1-2. In Walmsley, the frame support includes member 5 attached to the wall and member 10 attached to the framed object. See Walmsley at FIG. 3 and column 1, lines 33-46. Member 10 interlocks with member 5 in only one place to mount the framed object on the wall. See Walmsley at FIG. 3.

Independent claim 1 is directed to a wall mounting apparatus for a visual display. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.

Walmsley does not describe or suggest a wall mounting apparatus including a first plate attached to a wall and a second plate attached to a display,

Serial No. 10/484,794

PU030253

wherein the visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. Rather, Walmsley describes a completely different arrangement that teaches away from applicants arrangement, in which two members contact each other in only one place to mount a framed object on the wall.

Therefore, independent claim 1 and dependent claims 2-7 are patentable over Walmsley.

All claims argued within this section will stand or fall together.

Claims 8-14

Walmsley describes a frame support. See Walmsley at column 1, lines 1-2. In Walmsley, the frame support includes member 5 attached to the wall and member 10 attached to the framed object. See Walmsley at FIG. 3 and column 1, lines 33-46. Member 10 interlocks with member 5 in only one place to mount the framed object on the wall. See Walmsley at FIG. 3.

Independent claim 8 is directed to a display system including a wall mounting apparatus. See Appellant's specification at page 1, lines 9-10. The wall mounting apparatus includes a first plate 4 attached to a wall and a second plate 2 attached to a display. See Appellant's specification at FIG. 1A and page 3, lines 12-14. The visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. See Appellant's specification at FIG. 1D and page 3, lines 29-33. In FIG. 1D, portion 10 of the second plate 2 contacts an area of the surface of portion 7 of the first plate 4, while portion 9 of the first plate 4 contacts an area of the surface of portion 8 of the second plate 2.

Walmsley does not describe or suggest a wall mounting apparatus including a first plate attached to a wall and a second plate attached to a display, wherein the visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places. Rather,

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Serial No. 10/484,794

PU030253

Walmsley describes a completely different arrangement that teaches away from applicants arrangement, in which two members contact each other in only one place to mount a framed object on the wall.

Therefore, independent claim 8 and dependent claims 9-14 are patentable over Walmsley.

All claims argued within this section will stand or fall together.

8. CONCLUSION

In view of the foregoing arguments, appellants respectfully request that the Examiners' rejection of claims 1-14 be reversed. Favorable action is respectfully requested.

Respectfully submitted,

Patricia A. Verlangieri, Attorney

Reg. No. 42,201 (609) 734-6867

Patent Operations
Thomson Licensing LLC
P. O. Box 5312
Princeton, New Jersey 08543-5312

February 2, 2009

Attachments
Appendix I - Claims 1-14
Appendix II - Evidence
Appendix III - Related Appeals or Interferences

Serial No.: 10/567,718 PU030253

APPENDIX I - APPEALED CLAIMS

- 1. A wall mounting apparatus for a visual display, comprising:

 a first plate attached to a wall; and
 a second plate attached to a visual display, wherein the visual display is mounted to the wall by hooking the first and second plates together, such that each plate contacts the other in at least two places.
- 2. The wall mounting apparatus of claim 1 wherein at least one of the first plate and the second plate include an angled portion and a flat portion extending away from the angled portion.
- 3. The wall mounting apparatus of claim 1 wherein at least one of the first plate and the second plate include an angled portion, a flat portion and a backstop portion.
- 4. The wall mounting apparatus of claim 3 wherein the backstop portion extends between the angled portion and the flat portion.
- 5. The wall mounting apparatus of claim 1 wherein the first plate is configured to include an elongate section which contacts a corresponding elongate section of the second plate.
- 6. The wall mounting apparatus of claim 1 wherein one of the first plate and the second plate is longer than the other to permit side-to-side adjustment.
- 7. The wall mounting apparatus of claim 1 wherein one of the first plate and the second plate includes two or more end stops.

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8. A display system including a wall mounting apparatus, comprising:

a first plate attached to a wall; and

a second plate attached to a visual display, wherein the visual display is mounted to the wall by hooking the first and second plates together, such that each plate contacts the other in at least two places.

- 9. The display system of claim 8 wherein at least one of the first plate and the second plate include an angled portion and a flat portion extending away from the angled portion.
- 10. The display system of claim 8 wherein at least one of the first plate and the second plate include an angled portion, a flat portion and a backstop portion.
- 11. The display system of claim 10 wherein the backstop portion extends between the angled portion and the flat portion.
- 12. The display system of claim 8 wherein the first plate is configured to include an elongate section that contacts a corresponding elongate section of the second plate.
- 13. The display system of claim 8 wherein one of the first plate and the second plate is longer than the other to permit side-to-side adjustment.
- 14. The display system of claim 8 wherein one of the first plate and the second plate includes two or more end stops.

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APPENDIX II - EVIDENCE

Not applicable.

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APPENDIX III - RELATED APPEALS OR INTERFERENCES

Not applicable.